

QUIN DENVIR, Bar #49374  
Federal Defender  
MARK J. REICHEL, Bar #155034  
Assistant Federal Defender  
801 I Street, 3rd Floor  
Sacramento, California 95814  
Telephone: (916) 498-5700

Attorney for Defendant  
ENZOR HENDERSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

ENZOR HENDERSON,  
Defendant.

)  
) NO. CR.S-04-326-GEB  
)  
) **STIPULATION OF THE PARTIES FOR A**  
) **RETURN TO COURT DATE; ORDER ON**  
) **EXCLUSION OF TIME**  
)  
)  
) Date: March 3, 2006  
) Time: 9:00 a.m.  
Judge: Hon. Garland E. Burrell

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, KYMBERLY SMITH, Assistant United States Attorney, attorney for Plaintiff, MARK J. REICHEL, Assistant Federal Defender, attorney for Defendant, that the status conference hearing date of January 27, 2005 shall be vacated. This court previously ordered the preparation of a Pre Plea Presentence Investigation and Report. The report has been prepared and the parties further stipulate to a return to court on the date of March 3, 2006 for a change of plea.

The parties advise the court that they are in good faith negotiations to resolve the case at present. The specifics of the case and the defendant's prior criminal history make the negotiations and possible prediction of the likely consequences of a guilty plea

1 difficult. An investigation and report back to the parties from the  
2 probation department would greatly assist the parties in their effort  
3 to resolve the case, as the parties would have a reliable answer from a  
4 competent source. The report has now added some certainty to the  
5 parties attempts to resolve the case.

6 Accordingly, all counsel and the defendant agree that the time  
7 under the Speedy Trial Act from the date this stipulation is lodged,  
8 through March 3, 2006, should be excluded in computing the time within  
9 which trial must commence under the Speedy Trial Act, pursuant to Title  
10 18 pursuant to 18 U.S.C. § 3161(H)(1)(I) delay resulting from  
11 consideration by the Court and its Probation Office of the proposed  
12 plea agreement.

13 Respectfully submitted,

14 QUIN DENVIR  
15 Federal Public Defender

16 DATED: February 17, 2006

17 /s/ MARK J. REICHEL  
18 MARK J. REICHEL  
19 Assistant Federal Defender  
20 Attorney for Defendant

21 MCGREGOR SCOTT  
22 United States Attorney

23 DATED: February 17, 2006

24 /s/ MARK J. REICHEL for  
25 KIMBERLY SMITH  
26 Assistant U.S. Attorney  
27 Attorney for Plaintiff

28 **O R D E R**

1       **IT IS SO ORDERED.** Time under the Speedy Trial Act is excluded in  
2 the interests of justice and the hearing continued for the reasons set  
3 forth herein above and for the dates and times set forth therein  
4 pursuant to Title 18 U.S.C. § 3161(H)(1)(I) delay resulting from  
5 consideration by the Court and its Probation Office of the proposed  
6 plea agreement.

7  
8 Dated: March 10, 2006

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10                   /s/ Garland E. Burrell, Jr.  
11                   GARLAND E. BURRELL, JR.  
12                   United States District Judge  
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